

# **EXHIBIT A**

**THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

CHERI LABLANCHE,

PLAINTIFF,

V.

NATIONAL BOARD OF MEDICAL  
EXAMINERS – (NBME), FEDERATION  
OF STATE MEDICAL BOARDS –  
(FSMB), EDUCATIONAL COMMISSION  
FOR FOREIGN MEDICAL GRADUATES  
– (ECFMG)

DEFENDANTS.

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CIVIL ACTION NO. 4:13-CV-00204

**AFFIDAVIT OF DAVID A. JOHNSON**

I make oath and state as follows:

1. My name is David A. Johnson. I am over eighteen years of age, of sound mind, and fully competent to make this affidavit. I am capable of making this affidavit on behalf of the Federation of State Medical Boards (the “FSMB”) and am fully authorized to do so.

2. I am the Senior Vice President of Assessment Services for the FSMB. As such, I am a member of the FSMB’s Executive Staff. My business address is at the FSMB’s headquarters: 400 Fuller Wiser Road, Suite 300, Euless, Texas 76039.

3. The FSMB is incorporated in Nebraska, is registered as a Texas corporation, and is headquartered in Euless, Texas.

4. The FSMB has two business locations: 400 Fuller Wiser Road, Suite 300, Euless, Texas 76039 (“Headquarters”), and 1300 Connecticut Avenue, NW Suite 500, Washington, D.C. 20036.

5. The FSMB employs approximately 185 full-time employees in Euless, Texas. The FSMB has only 5 full-time employees who office exclusively in Washington, D.C.

6. The FSMB's principal place of business is its Headquarters, which is in Texas.

7. The FSMB is a national non-profit organization that collaborates with the National Board of Medical Examiners to provide assessment tools such as the U.S. Medical Licensing Examination to assist state medical boards with medical licensing decisions. The FSMB represents 70 medical and osteopathic boards within the United States and its territories. The FSMB assists state boards in protecting the public's health, safety and welfare through promotion of high standards for physician licensure and regulation. The FSMB's mission calls for "continual improvement in the quality, safety and integrity of health care through the development and promotion of high standards for physician licensure and practice."

8. The FSMB's leadership consists of its house of delegates, board of directors, and executive staff.

9. The house of delegates acts as a legislative body for the FSMB and is composed of representatives from each of the FSMB's 70 boards. The house of delegates meets annually in various venues across the country.

10. The board of directors consists of the Chair, Chair-elect, Immediate Past Chair, Treasurer, Secretary, nine Directors-at-Large, and two Associate Members. The board of directors is elected by the house of delegates and is charged with overseeing the FSMB's activities and selecting staff to carry out corporate plans and policies. The board holds quarterly meetings, some of which occur in Texas.

11. The President and Chief Executive Officer is selected by the board of directors. The rest of the executive staff are hired by and report to the President and Chief Executive

Office. Each of the FSMB's executive staff members maintains an office at the FSMB's Headquarters and a residence in Texas. The executive staff consists of:

- The President and Chief Executive Officer: Humayun J. Chaudhry. Mr. Chaudhry is also the secretary to the board of directors. Mr. Chaudhry splits his work time between Texas and Washington, D.C. He maintains an office at the FSMB's Headquarters and a residence in Texas.
- The Chief Financial Officer: Todd Phillips. Mr. Phillips resides in Texas and offices at Headquarters.
- The Chief Information Officer: Michael P. Dugan. Mr. Dugan resides in Texas and offices at Headquarters.
- The Chief Advocacy Officer: Lisa A. Robin. Ms. Robin primarily works out of Washington D.C., but she maintains an office at the FSMB's Headquarters and a residence in Texas.
- I am the Senior Vice President for Assessment Services. I reside in Texas and office at Headquarters.

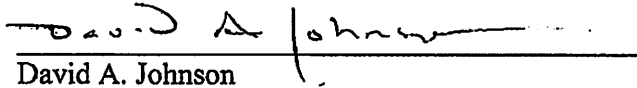
12. Out of the FSMB's Headquarters, the executive staff carries out the core executive and administrative functions of the FSMB's business, including the direction, control, and coordination of company-wide policies.

13. The executive staff implements the FSMB's business strategies, plans, and guidelines, which are set by the house of delegates at its annual meeting.

14. Additionally, the executive staff crafts the FSMB operating budget, sets employee salaries, and makes final hiring and firing decisions of the FSMB's employees.

15. The facts set forth in the foregoing paragraphs are true and correct for all times from January 25, 2013, through the date of the execution of this affidavit. I have used the time period of January 25, 2013, through the present on advice of counsel that the date that this suit was first filed in federal court in Texas on behalf of the Plaintiff in the above-referenced litigation is significant to this Court's analysis of the diversity of the parties for jurisdiction.

I declare under penalty of perjury that the foregoing is true and correct. Executed on February 25, 2014.

  
David A. Johnson

**AFFIDAVIT**

STATE OF TEXAS       §  
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COUNTY OF TARRANT   §

Before me, Joyce Marie Woodard  
DAVID JOHNSON, the undersigned notary public, this day  
personally appeared David A. Johnson, who being duly sworn according to law, deposes and  
says:

All facts stated in the foregoing Affidavit of David A. Johnson in the *LaBlanche v.*  
*National Board of Medical Examiners, et al.*, lawsuit, before the Southern District of Texas,  
4:13-cv-204, are true and correct.

David A Johnson  
David A. Johnson

Sworn to and subscribed before me this 25<sup>th</sup> day of  
February, 2014

Joyce Marie Woodard  
Notary Public

